



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SENT VIA ELECTRONIC MAIL

Mr. Cody Hale
President
Anarchy Diesel Tuning
299 County Road 752
Riceville, Tennessee 37370-5351

Re: Anarchy Diesel Tuning – Riceville, Tennessee
Notice of Potential Violations and Opportunity to Confer Clean Air Act Title II

Dear Mr. Hale:

Information currently available to the U.S. Environmental Protection Agency suggests that Anarchy Diesel Tuning, LLC (ADT) may have committed violations of Section 203(a)(3) of the Clean Air Act (CAA), 42 U.S.C. § 7522(a)(3). By this letter, the EPA is extending to you an opportunity to advise the Agency, in person, via a conference call, or in writing, of any further information the EPA should consider with respect to the potential violations.

Specifically, on June 4, 2019, an authorized representative of the EPA sent an information request letter to the facility located at 724 Highway 39 E, Athens, Tennessee (the facility) to determine compliance with Section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3). Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), prohibits any person from knowingly removing or rendering inoperative (i.e., “tampering”) any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under subchapter II of the CAA¹ after sale and delivery to the ultimate purchaser. Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), prohibits any person from manufacturing, selling, offering to sell, or installing parts or components intended for use with, or as part of a motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative an EPA certified motor vehicle emission control device or element of design (i.e., a “defeat device”), where the person knows or should know that the part or component is being offered for sale or installed for such use or put to such use.

Under the CAA, “motor vehicle” is defined as “any self-propelled vehicle designed for transporting persons or property on a street or highway.” CAA § 216(2), 42 U.S.C. § 7550(2); *see also* 40 C.F.R. § 85.1703 (further defining “motor vehicle”). The Act’s prohibitions on tampering and defeat devices apply to all EPA certified “motor vehicles,” regardless of how the motor vehicle is ultimately used.

¹ Motor vehicles or motor vehicle engines in compliance with regulations under subchapter II of the CAA are referred to as “EPA certified.”

Based on information available to the EPA, including information submitted by ADT under cover letters dated September 4, 2019 and September 10, 2019, in response to EPA's June 4, 2019 Request for Information (RFI), issued under section 208(a) of the CAA, 42 U.S.C. § 7542(a), EPA believes that ADT may have sold and/or offered to sell defeat devices, in violation of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

The EPA believes ADT knew or should have known that these products were sold and/or offered for sale to bypass, defeat, or render inoperative devices or elements of design that control emissions of regulated air pollutants. In response to the RFI, ADT identified multiple products that were sold by the facility as capable of deleting emission controls or modifying a vehicle's electronic control module (ECM). ADT provided copies of installation guides for products offered for sale or sold by the facility, which contain instructions for disabling emission control components on EPA certified motor vehicles. Further, ADT provided their online advertisements for products promoted for their ability to reprogram ECM engine calibrations, override On-Board Diagnostic (OBD) systems, and allow removal or defeat of emission control technologies such as the Exhaust Gas Recirculation (EGR) system, Diesel Particulate Filters (DPFs), and Selective Catalytic Reduction (SCR) systems. A detailed summary of the potential violations is provided in Enclosure 1.

The EPA has authority under Section 205 of the CAA, 42 U.S.C. § 7524, to seek penalties for violations of the prohibitions against tampering and/or the sale of defeat devices set forth in Section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3). To discuss the potential violations identified in the enclosure, the EPA requests that a representative of the facility contact Aleeka Broner, of my staff at (404) 562-9186, or via email at broner.aleeka@epa.gov, within **fifteen (15) calendar days** of receipt of this letter to make arrangements to discuss the potential violations and the EPA's possible enforcement action. Please note that the EPA may have legal representation during these discussions.

ADT may voluntarily submit any documentation or information that you would like the EPA to review in advance of any in person meeting or teleconference on the matter to substantiate why you believe the EPA should not take an enforcement action with respect to the above-mentioned potential violations. If you decide to submit such documentation or information, the EPA respectfully requests that you do so two weeks in advance of the meeting or teleconference. If you have questions regarding the type of information that should be submitted to the EPA or any other questions regarding this matter, please contact Aleeka Broner at the contact information identified above.

Sincerely,

Todd Groendyke
Chief
South Air Enforcement Section
Air Enforcement Branch

Enclosure



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SENT VIA ELECTRONIC MAIL

Stewart D. Cables
Managing Partner
Hassan + Cables, LLC
1035 Pearl Street, Suite 200
Boulder, Colorado 80302
stewart@hassancables.com

Re: Full Force Diesel Performance – Murfreesboro, Tennessee
Notice of Potential Violation and Opportunity to Confer – Clean Air Act Title II

Dear Mr. Cables:

Information currently available to the U.S. Environmental Protection Agency (EPA) suggests that Full Force Diesel Performance (FFDP) may have committed violations of Section 203(a)(3) of the Clean Air Act (CAA), 42 U.S.C. § 7522(a)(3). By this letter, the EPA is extending to FFDP an opportunity to advise the Agency, in person, via a conference call, or in writing, of any further information the EPA should consider with respect to the potential violations.

Specifically, on November 26, 2019, an authorized representative of the EPA sent a Request for Information (RFI) to the FFDP facility located at 7822 Manchester Pike, Murfreesboro, Tennessee (the facility) to determine compliance with Section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3). Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), prohibits any person from knowingly removing or rendering inoperative (i.e., “tampering”) any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under subchapter II of the CAA¹ after sale and delivery to the ultimate purchaser. Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), prohibits any person from manufacturing, selling, offering to sell, or installing parts or components intended for use with, or as part of, a motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative an EPA certified motor vehicle’s emission control device or element of design (i.e., a “defeat device”), where the person knows or should know that the part or component is being offered for sale or installed for such use or put to such use.

Under the CAA, “motor vehicle” is defined as “any self-propelled vehicle designed for transporting persons or property on a street or highway.” CAA § 216(2), 42 U.S.C. § 7550(2); *see also* 40 C.F.R. § 85.1703 (further defining “motor vehicle”). The Act’s prohibitions on tampering and defeat devices apply to all EPA certified “motor vehicles,” regardless of how the motor vehicle is ultimately used.

¹ Motor vehicles or motor vehicle engines in compliance with regulations under subchapter II of the CAA are referred to as “EPA certified.”

Based on information available to the EPA, including information submitted by FFDP under cover letters dated January 11, 2020, and May 8, 2020, in response to EPA's November 26, 2019, RFI, issued under Section 208(a) of the CAA, 42 U.S.C. § 7542(a), the EPA believes that FFDP: 1) may have tampered with EPA certified motor vehicles, in violation of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A); and 2) may have sold and/or offered to sell defeat devices, in violation of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

The EPA believes FFDP knew or should have known that these products were sold and/or offered for sale to bypass, defeat, or render inoperative devices or elements of design that control emissions of regulated air pollutants. In addition, in response to the EPA's RFI, FFDP identified which of its products function to change, affect, and/or bypass motor vehicle emission controls. A detailed summary of the EPA's areas of concern are provided in Enclosure 1.

The EPA has authority under Section 205 of the CAA, 42 U.S.C. § 7524, to seek penalties for violations of the prohibitions against tampering and/or the sale of defeat devices set forth in Section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3). To discuss the areas of concern identified in the enclosure, the EPA requests that a representative of the facility contact Carrie Griffith, of my staff at 404-562-9175, or via email at griffith.carrie@epa.gov, within **fifteen (15) calendar days** of receipt of this letter to make arrangements to discuss the areas of concern and the EPA's possible enforcement action. Please note that the EPA may have legal representation during these discussions.

FFDP may voluntarily submit any documentation or information that you would like the EPA to review in advance of any in person meeting or teleconference on the matter to substantiate why you believe the EPA should not take an enforcement action with respect to the above-mentioned areas of concern. If you decide to submit such documentation or information, the EPA respectfully requests that you do so two weeks in advance of the meeting or teleconference. If you have questions regarding the type of information that should be submitted to the EPA or any other questions regarding this matter, please contact Ms. Griffith at the contact information identified above.

Sincerely,

Todd Groendyke
Chief
South Air Enforcement Section
Air Enforcement Branch

Enclosure



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SENT VIA ELECTRONIC MAIL

Ms. Ghislane G. Torres Bruner
Polsinelli PC
1401 Lawrence Street, Suite 2300
Denver, Colorado 80202
GBruner@Polsinelli.com

Re: Gexhaust LLC – Davie, Florida
Notice of Potential Violation and Opportunity to Confer Clean Air Act Title II

Dear Ms. Bruner:

Information currently available to the U.S. Environmental Protection Agency suggests that Gexhaust LLC (Gexhaust), may have committed violations of Section 203(a)(3) of the Clean Air Act (CAA), 42 U.S.C. § 7522(a)(3). By this letter, the EPA is extending to you an opportunity to advise the Agency, in person, via a conference call, or in writing, of any further information the EPA should consider with respect to the potential violations.

Specifically, on October 1, 2019, an authorized representative of the EPA sent a Request for Information (RFI) to the Gexhaust facility located at 4641 S State Rd 7, Davie, Florida (the facility) to determine compliance with Section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3). Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), prohibits any person from knowingly removing or rendering inoperative (i.e., “tampering”) any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under subchapter II of the CAA¹ after sale and delivery to the ultimate purchaser. Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), prohibits any person from manufacturing, selling, offering to sell, or installing parts or components intended for use with, or as part of a motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative an EPA certified motor vehicle emission control device or element of design (i.e., a “defeat device”), where the person knows or should know that the part or component is being offered for sale or installed for such use or put to such use.

Under the CAA, “motor vehicle” is defined as “any self-propelled vehicle designed for transporting persons or property on a street or highway.” CAA § 216(2), 42 U.S.C. § 7550(2); *see also* 40 C.F.R. § 85.1703 (further defining “motor vehicle”). The Act’s prohibitions on tampering and defeat devices apply to all EPA certified “motor vehicles,” regardless of how the motor vehicle is ultimately used.

Based on information available to the EPA, including information submitted by Gexhaust under cover letter dated December 3, 2019, in response to the EPA’s October 1, 2019, RFI, issued under Section

¹ Motor vehicles or motor vehicle engines in compliance with regulations under subchapter II of the CAA are referred to as “EPA certified.”

208(a) of the CAA, 42 U.S.C. § 7542(a), the EPA believes that Gexhaust: 1) may have tampered with EPA certified motor vehicles, in violation of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A); and 2) may have sold and/or offered to sell defeat devices, in violation of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

The EPA believes Gexhaust knew or should have known that these products were installed, sold and/or offered for sale to bypass, defeat, or render inoperative devices or elements of design that control emissions of regulated air pollutants. A detailed summary of the potential violations is provided in Enclosure 1.

The EPA has authority under Section 205 of the CAA, 42 U.S.C. § 7524, to seek penalties for violations of the prohibitions against tampering and/or the sale of defeat devices set forth in Section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3). To discuss the potential violations identified in the enclosure, the EPA requests that a representative of the facility contact Sharron Porter, of my staff at (404) 562-9172, or via email at porter.sharron@epa.gov, within **fifteen (15) calendar days** of receipt of this letter to make arrangements to discuss the potential violations and the EPA's possible enforcement action. Please note that the EPA will have legal representation during these discussions.

Gexhaust may voluntarily submit any documentation or information that you would like the EPA to review in advance of any in person meeting or teleconference on the matter to substantiate why you believe the EPA should not take an enforcement action with respect to the above-mentioned potential violations. If you decide to submit such documentation or information, the EPA respectfully requests that you do so two weeks in advance of the meeting or teleconference. If you have questions regarding the type of information that should be submitted to the EPA or any other questions regarding this matter, please contact Sharron Porter at the contact information identified above.

Sincerely,

Todd Groendyke
Chief
South Air Enforcement Section
Air Enforcement Branch

Enclosure

Enclosure 1

Potential Violations

The EPA identified the following potential violations during a review of Gexhaust's response to the EPA's October 1, 2019, RFI, issued under Section 208(a) of the CAA:

1. The sale and installation of 5 tuning devices or tune files, potentially used to disable the On-Board Diagnostics monitoring function, change engine parameters, and/or defeat certain emission control devices.
2. The sale and installation of 42 exhaust aftermarket delete products, potentially used to bypass, render inoperative, or allow for the deletion or partial deletion of a vehicle's Diesel Particulate Filter, Diesel Oxidation Catalyst, and/or Selective Catalytic Reduction systems.

Gexhaust should come to the meeting prepared to discuss how it complies or will comply with the requirements of Section 203(a)(3) including, but not limited to, how the facility has or will permanently cease the manufacturing, offering to sell, selling, or any acts which cause or contribute to the installation of defeat devices on EPA-certified motor vehicles.